

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

03 JUL 28 PM 3:00

U.S. DISTRICT COURT  
N.D. OF ALABAMA

DAVID CICERO PUCKETT,

Plaintiff,

vs.

RALPH TOLAND,

Defendant.

CV-01-CO-0038-E

**ENTERED**

JUL 28 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on July 7, 2003, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1). An appropriate order will be entered.

DATED this 28<sup>th</sup> day of July, 2003.

  
L. SCOTT COOGLER

UNITED STATES DISTRICT JUDGE

12